

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 05-04271 WHA

JULIUS MELENDEZ, an individual, doing  
business as CALIFORNIA MOTOR  
ESCORTS,

Plaintiff,

v.

MIKE OLIVEIRA, an individual, doing  
business as CALIFORNIA MOTOR  
ESCORTS, DAVID REIMERS, an individual,  
doing business as CALIFORNIA MOTOR  
ESCORTS, JOHN DISKON, an individual,  
doing business as CALIFORNIA MOTOR  
ESCORTS, CALIFORNIA MOTOR  
ESCORTS, an unknown business entity, and  
DOES 1 through 100,

Defendants.

**ORDER GRANTING  
PROTECTIVE ORDER**

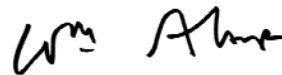
In this civil action, defense counsel recently served a notice to take the deposition of plaintiff's counsel, who then moved for a protective order and an order shortening time. Defense counsel was notified on June 26 that the hearing on the motion for protective order would be heard at 8:00 a.m. on June 27, the day set in the deposition notice for the deposition. Defense counsel sent the Court a letter professing to believe that the hearing was only over whether to shorten time and did not appear at the hearing. At the hearing, plaintiff's counsel provided a letter sent to defense counsel by fax on June 26 at 2:38 p.m., stating clearly that the

1 protective order motion was going to be heard. The letter made no reference to merely hearing  
2 a motion for an order shortening time.

3 Good cause having been shown, the deposition of plaintiff's counsel is stayed until, if  
4 ever, defense counsel obtains a court order allowing it to go forward upon a showing of good  
5 cause. Under Rules 26 and 37(a)(4), defense counsel must pay all reasonable expenses incurred  
6 in seeking this protective order.

7  
8 **IT IS SO ORDERED.**

9  
10 Dated: June 27, 2006



11 WILLIAM ALSUP  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28